

## **Title 32: PROFESSIONS AND OCCUPATIONS**

### **Chapter 113-B: COMPLEMENTARY HEALTH CARE PROVIDERS HEADING: PL 1995, c. 671, §13 (new)**

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**Maine Revised Statutes**  
**Title 32: PROFESSIONS AND OCCUPATIONS**  
**Chapter 113-B: COMPLEMENTARY HEALTH CARE**  
**PROVIDERS HEADING: PL 1995, c. 671, §13 (new)**

**Subchapter 1: BOARD OF COMPLEMENTARY HEALTH**  
**CARE PROVIDERS HEADING: PL 1995, C. 671, §13 (NEW)**

**§12501. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 671, §13 (NEW).]

**1. Acupuncture.** "Acupuncture" means the insertion of fine metal needles through the skin at specific points on or near the surface of the body with or without the palpation of specific points on the body and with or without the application of electric current or heat to the needles or skin, or both. The practice of acupuncture is based on traditional oriental theories and serves to normalize physiological function, treat certain diseases and dysfunctions of the body, prevent or modify the perception of pain and promote health and well-being.

[ 2003, c. 666, §1 (AMD) .]

**2. Acupuncture intern.** "Acupuncture intern" means an acupuncture student enrolled in an acupuncture internship program approved by the board that involves practical training, including needle insertion on human subjects.

[ 1995, c. 671, §13 (NEW) .]

**3. Approved naturopathic medical college.** "Approved naturopathic medical college" means a college or program granting the degree of doctor of naturopathic medicine or doctor of naturopathy approved by the board that:

A. Is accredited by an accrediting agency recognized by the Federal Government; or [1995, c. 671, §13 (NEW).]

B. Is a candidate for accreditation with such an agency. [1995, c. 671, §13 (NEW).]

[ 1995, c. 671, §13 (NEW) .]

**4. Board.** "Board" means the Board of Complementary Health Care Providers.

[ 1995, c. 671, §13 (NEW) .]

**5. Commissioner.** "Commissioner" means the Commissioner of Professional and Financial Regulation.

[ 1995, c. 671, §13 (NEW) .]

**6. Homeopathic preparation.** "Homeopathic preparation" means medicine prepared according to the "Homeopathic Pharmacopoeia of the United States Revised Service" (Nov. 1995).

[ 1995, c. 671, §13 (NEW) .]

**7. Natural antibiotics.** "Natural antibiotics" means antimicrobial, antifungal and antiprotozoal agents that are naturally occurring substances or are manufactured substances that are substantially identical to those naturally occurring substances.

[ 1995, c. 671, §13 (NEW) .]

**8. Naturopathic acupuncture.** "Naturopathic acupuncture" means the insertion of acupuncture needles into specific points on the skin to treat human disease and impairment and to relieve pain. The practice of naturopathic acupuncture is only within the scope of practice of naturopathic doctors certified pursuant to section 12525.

[ 1995, c. 671, §13 (NEW) .]

**9. Naturopathic doctor.** "Naturopathic doctor" means a person authorized and licensed to practice naturopathic medicine under this chapter.

[ 1995, c. 671, §13 (NEW) .]

**10. Naturopathic manipulative therapy.** "Naturopathic manipulative therapy" means the manually administered or mechanical treatment of body structures or tissues in accordance with naturopathic principles for the purpose of restoring normal physiological function to the body by normalizing and balancing the musculoskeletal system of the body.

[ 1995, c. 671, §13 (NEW) .]

**11. Naturopathic medicine.** "Naturopathic medicine" means a system of health care for the prevention, diagnosis and treatment of human health conditions, injuries and diseases that uses education, natural medicines and therapies to support and stimulate the individual's intrinsic self-healing processes.

[ 1995, c. 671, §13 (NEW) .]

**12. Naturopathic physical medicine.** "Naturopathic physical medicine" means the therapeutic use of physical agents of air, water, heat, cold, sound, light and electromagnetic nonionizing radiation and the physical modalities of electrotherapy, diathermy, ultraviolet light, ultrasound, hydrotherapy, naturopathic manipulative therapy, therapeutic exercise and acupuncture if the provider is certified pursuant to section 12525, subsection 3.

[ 1995, c. 671, §13 (NEW) .]

**13. Office procedures.** "Office procedures" means methods for the repair and care incidental to superficial lacerations and abrasions, superficial lesions and the removal of foreign bodies located in the superficial tissues. The use of antiseptics and local anesthetics in connection with these methods is permitted. The use of general, regional or spinal anesthetics, major surgery, surgery of the body cavities or specialized surgeries such as plastic surgery, surgery involving the eye or surgery when tendons are involved is not permitted.

[ 1995, c. 671, §13 (NEW) .]

**14. Person.** "Person" means any individual, firm, partnership, corporation or other association or organization.

[ 1995, c. 671, §13 (NEW) .]

**15. Topical medicine.** "Topical medicine" means topical analgesics, anesthetics, antiseptics, scabicides, antifungals and antibacterials.

[ 1995, c. 671, §13 (NEW) .]

#### SECTION HISTORY

1995, c. 671, §13 (NEW). 2003, c. 666, §1 (AMD).

## §12502. BOARD OF COMPLEMENTARY HEALTH CARE PROVIDERS ESTABLISHED

**1. Membership.** The Board of Complementary Health Care Providers, as established in Title 5, section 12004-A, subsection 8-A, shall regulate the professions of acupuncture and naturopathic medicine according to the provisions of this chapter. The board consists of 7 members appointed by the Governor. The Governor shall make the initial appointments to the board no later than 60 days after the effective date of this section and shall inform the Commissioner of Professional and Financial Regulation of these appointments. The commissioner shall call the first meeting of the board on a date no later than 30 days following notification of appointments by the Governor. All members of the board must be residents of this State. Two members of the board must be acupuncturists licensed in this State. Two members of the board must be practitioners of naturopathic medicine who are eligible for licensure under, or are licensed pursuant to, the requirements of subchapter 3. One member must be a public member as defined in Title 5, section 12004-A. One member must be an allopathic or osteopathic physician who is licensed in this State. One member must be a pharmacist who is licensed in this State.

[ 2007, c. 402, Pt. AA, §1 (AMD) .]

**2. Terms.** Appointments are for 3-year terms. Appointments of members must comply with Title 10, section 8009. The Governor may remove any member for cause.

[ 2007, c. 402, Pt. AA, §1 (AMD) .]

**3. Qualifications.** Each board member, other than the public member, must have been engaged in the active practice of the member's profession in the State for a minimum of 3 years prior to appointment.

[ 2007, c. 402, Pt. AA, §1 (AMD) .]

#### **4. Vacancy.**

[ 2007, c. 402, Pt. AA, §1 (RP) .]

#### **5. Quorum.**

[ 2007, c. 402, Pt. AA, §1 (RP) .]

**6. Meetings; chair.** The board shall meet at least once a year to conduct its business and elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members.

[ 2013, c. 246, Pt. B, §22 (AMD) .]

#### **7. Reporting.**

[ 2007, c. 402, Pt. AA, §1 (RP) .]

#### SECTION HISTORY

1995, c. 671, §13 (NEW). 1997, c. 727, §C11 (AMD). 2007, c. 402, Pt. AA, §1 (AMD). 2013, c. 246, Pt. B, §22 (AMD).

## §12503. POWERS AND DUTIES OF THE BOARD

The board has the following powers and duties in addition to all other powers and duties set forth in this chapter. [1995, c. 671, §13 (NEW).]

### 1. Duties. The board shall:

A. Adopt rules necessary to administer this chapter; [2007, c. 402, Pt. AA, §2 (AMD).]

B. Set standards of practice for acupuncturists and naturopathic doctors; [1995, c. 671, §13 (NEW).]

C. [2003, c. 666, §2 (RP).]

D. Ensure that acupuncturists and naturopathic doctors serving the public meet minimum standards of proficiency and competency to protect the health, safety and welfare of the public; and [2007, c. 402, Pt. AA, §2 (AMD).]

E. Administer and enforce the provisions of this chapter and any rules adopted by the board under that authority granted in this chapter. [2007, c. 402, Pt. AA, §2 (AMD).]

F. [2007, c. 402, Pt. AA, §2 (RP).]

G. [2007, c. 402, Pt. AA, §2 (RP).]

H. [2007, c. 402, Pt. AA, §2 (RP).]

I. [2007, c. 402, Pt. AA, §2 (RP).]

J. [2007, c. 402, Pt. AA, §2 (RP).]

K. [2007, c. 402, Pt. AA, §2 (RP).]

[ 2007, c. 402, Pt. AA, §2 (AMD) .]

### 2. Complaints.

[ 2007, c. 402, Pt. AA, §2 (RP) .]

### 3. Hearings.

[ 2007, c. 402, Pt. AA, §2 (RP) .]

### 4. Subpoena power; administration of oaths; power to compel production of documents.

[ 2007, c. 402, Pt. AA, §2 (RP) .]

### 5. Witness fees.

[ 2007, c. 402, Pt. AA, §2 (RP) .]

### 6. Suspension and revocation.

[ 2007, c. 402, Pt. AA, §2 (RP) .]

#### SECTION HISTORY

1995, c. 671, §13 (NEW). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2003, c. 666, §2 (AMD). 2007, c. 402, Pt. AA, §2 (AMD).

## **§12503-A. DENIAL OR REFUSAL TO RENEW LICENSE; DISCIPLINARY ACTION**

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A upon a legal finding of mental incompetence. [2007, c. 402, Pt. AA, §3 (NEW).]

### **SECTION HISTORY**

2007, c. 402, Pt. AA, §3 (NEW).

## **§12504. UNAUTHORIZED EMPLOYMENT**

A person in the course of business may not employ an acupuncturist or naturopathic doctor who does not have a license unless that person is a student or intern within the meaning of this chapter. [1995, c. 671, §13 (NEW).]

### **SECTION HISTORY**

1995, c. 671, §13 (NEW).

## **§12505. VIOLATION**

*(REPEALED)*

### **SECTION HISTORY**

1995, c. 671, §13 (NEW). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 402, Pt. AA, §4 (RP).

## **§12505-A. UNLICENSED PRACTICE**

A person who violates section 12504, 12511 or 12521 is subject to the provisions of Title 10, section 8003. [2007, c. 402, Pt. AA, §5 (NEW).]

### **SECTION HISTORY**

2007, c. 402, Pt. AA, §5 (NEW).

## **§12506. RULEMAKING**

Rules adopted pursuant to section 12522, subsection 4 are major substantive rules as defined by Title 5, chapter 375, subchapter 2-A. All other rules adopted pursuant to this chapter are routine technical rules. [2007, c. 621, §12 (AMD).]

### **SECTION HISTORY**

1995, c. 671, §13 (NEW). 2007, c. 621, §12 (AMD).

## **Subchapter 2: ACUPUNCTURE LICENSING REQUIREMENTS AND SCOPE OF PRACTICE HEADING: PL 1995, C. 671, §13 (NEW)**

## **§12511. LICENSURE**

**1. Licensure required.** A person may not practice acupuncture or profess to be practicing as an acupuncturist in this State unless that person holds a current and valid license from the board, except that a student of acupuncture who has completed at least one year of full-time study in a board-approved

acupuncture school may practice acupuncture in a board-approved internship program. The student must be supervised, as defined by rule, by an instructor who is a licensed acupuncturist in this State and be identified as an acupuncture intern when in a clinical setting.

[ 2007, c. 402, Pt. AA, §6 (AMD) .]

**2. Exception.** This chapter does not apply to any person who is licensed to practice any healing art or science and who is practicing acupuncture in the course of that practice and within the scope of that license.

[ 1995, c. 671, §13 (NEW) .]

#### SECTION HISTORY

1995, c. 671, §13 (NEW). 2007, c. 402, Pt. AA, §6 (AMD).

## §12512. QUALIFICATIONS FOR ACUPUNCTURISTS

The eligibility of an applicant for a license to practice acupuncture must be determined in accordance with the following. [1995, c. 671, §13 (NEW) .]

**1. Eligibility.** To be eligible to apply for a license to practice acupuncture, an applicant must:

A. Be at least 21 years of age; and [1995, c. 2, §80 (COR) .]

B. Have met requirements regarding education and experience as established by the board. These requirements must include the following:

(1) A baccalaureate degree from an accredited institution of higher learning, a license from the State to practice as a registered professional nurse or successful completion of the training program and any competency examination required by the Board of Licensure in Medicine to be qualified as a physician's assistant;

(2) A minimum of 1,000 hours of classroom instruction in acupuncture and related subjects at an institution approved by the board;

(3) A minimum of 300 hours of clinical experience in the field of acupuncture; and

(4) Certification by the National Commission for the Certification of Acupuncturists and Oriental Medicine, or its successor or other organization approved by the board, or passage of a written examination approved by the board. [2007, c. 402, Pt. AA, §7 (AMD) .]

[ 2007, c. 402, Pt. AA, §7 (AMD) .]

**2. Endorsement.** An applicant who holds a current valid license to practice acupuncture from another state with requirements for licensure at least equal to the requirements under this section must be issued a license by the board.

[ 1995, c. 671, §13 (NEW) .]

#### SECTION HISTORY

RR 1995, c. 2, §80 (COR). 1995, c. 671, §13 (NEW). 2007, c. 402, Pt. AA, §7 (AMD).

## §12513. LICENSING

**1. Licensed acupuncturist.** The board shall issue a license to practice acupuncture to an applicant who has satisfactorily met the following minimal requirements:

A. The eligibility requirements set forth in section 12512; and [1995, c. 671, §13 (NEW) .]



B. Any other reasonable criteria the board may prescribe by rule. [1995, c. 671, §13 (NEW) .]

[ 1995, c. 671, §13 (NEW) .]

#### SECTION HISTORY

1995, c. 671, §13 (NEW) .

## §12513-A. SCOPE OF PRACTICE

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Chinese patent remedies" means patent remedies used in accordance with traditional Chinese, Japanese and Korean herbal literature. [2003, c. 666, §3 (NEW) .]

B. "Chinese premade herbal remedies" means premade herbal remedies used in accordance with traditional Chinese, Japanese and Korean herbal literature. [2003, c. 666, §3 (NEW) .]

C. "Custom-made Chinese herbal formulations" means custom-made herbal formulations used in accordance with traditional Chinese, Japanese and Korean herbal literature. [2003, c. 666, §3 (NEW) .]

[ 2003, c. 666, §3 (NEW) .]

**2. Scope of practice.** The scope of practice of acupuncturists includes acupuncture and the allied techniques and modalities of the distinct system of health care that use oriental principles to diagnose and treat illness, injury, pain and other conditions by regulating the flow and balance of energy to restore and maintain health. These allied techniques and modalities include the following, as defined by and used exclusively in accordance with the traditions and formal curricula taught in accredited colleges of acupuncture: oriental diagnostic procedures; electrical and magnetic stimulation; moxibustion and other forms of heat therapy; sound, light and vibrational therapy; cupping techniques and gua sha; recommendation and dispensing of Chinese patent remedies or Chinese premade herbal remedies and lifestyle and dietary counseling; formulation and dispensing of custom-made Chinese herbal formulations, to the extent that an acupuncturist has received additional certification pursuant to subsection 3; sotai; shiatsu; qi gong; zero balancing; tui na; and acupressure. These techniques and modalities do not include manipulation or mobilization of the skeletal articulations of the human body.

[ 2003, c. 666, §3 (NEW) .]

**3. Additional certification.** Certification is required for licensed acupuncturists to practice the formulation and dispensing of custom-made Chinese herbal formulations. "Formulation" means the preparation of traditional combinations of herbs to produce formulas from Chinese herbal literature, the modification of such traditional combinations or the writing of new formulas to address individual symptom presentations, through addition, deletion, substitution or change in dosages of ingredients and the dispensing of these herbal preparations to patients.

A. The board shall adopt rules specifying the training required for licensed acupuncturists to obtain the certification for custom-made Chinese herbal formulation. These requirements must include a minimum number of hours of combined classroom and clinical training or, for those licensed acupuncturists practicing custom-made Chinese herbal formulation prior to July 1, 2004, prior experience demonstrated by evidence satisfactory to the board. Rules adopted by the board in accordance with this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2003, c. 666, §3 (NEW) .]

B. A licensed acupuncturist who can prove to the satisfaction of the board that the licensed acupuncturist was engaged in the practice of custom-made Chinese herbal formulation prior to July 1, 2004 may continue to practice that modality but must, no later than 2 years after the board adopts rules providing certification requirements in accordance with paragraph A, comply with those rules. [ 2003, c. 666, §3 (NEW). ]

C. A licensed acupuncturist who can prove to the satisfaction of the board that the licensed acupuncturist has been duly licensed or certified to practice custom-made Chinese herbal formulation by the licensing authority of another state may continue to practice that modality, except that the board may require that the licensee complete additional training consistent with its rules within 3 years if the board finds that the standards applied in the state in which the licensed acupuncturist was certified or licensed are less stringent than those adopted in the board's rules. [ 2003, c. 666, §3 (NEW). ]

[ 2003, c. 666, §3 (NEW). ]

**4. Practice by other persons.** The listing of allied techniques and modalities in subsection 2, including acupressure and qi gong, may not be construed to require any person who practices the same or similar techniques or modalities to obtain a license as an acupuncturist under section 12511 and may not be construed to limit, interfere with or prevent any licensed person from practicing the same or similar techniques and modalities within the scope of that person's license, whether or not the defined scope of that license contains specific lists of techniques or modalities.

[ 2003, c. 666, §3 (NEW). ]

#### SECTION HISTORY

2003, c. 666, §3 (NEW).

## §12514. FEES

*(REPEALED)*

#### SECTION HISTORY

1995, c. 671, §13 (NEW). 1999, c. 257, §6 (AMD). 1999, c. 386, §1 (AMD). 2003, c. 666, §4 (RP).

## §12514-A. FEES

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any application may not exceed \$200, the fee for initial and renewal licensure may not exceed \$675 annually and the fee for initial and renewal certification in custom-made Chinese herbal formulation may not exceed \$200 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [ 2003, c. 666, §5 (NEW); 2011, c. 286, Pt. B, §5 (REV). ]

#### SECTION HISTORY

2003, c. 666, §5 (NEW). 2011, c. 286, Pt. B, §5 (REV).

## §12515. REAPPLICATION

Any applicant who is denied a license as an acupuncturist may apply again for licensing after a period of not less than 6 months from the date of the last denial. [ 1995, c. 671, §13 (NEW). ]

#### SECTION HISTORY

1995, c. 671, §13 (NEW).

## §12516. APPLICATION FOR RENEWAL

**1. Requirements.** Prior to the expiration of a license, a licensee may make an application for renewal upon payment of the renewal fee as set under section 12514-A and upon satisfactory demonstration of completion of continuing education requirements adopted by the board as a condition of renewal. It is not a condition of renewal that an applicant who qualified for licensure as a licensed registered nurse continue to be licensed as a registered nurse.

[ 2007, c. 402, Pt. AA, §8 (AMD) .]

**2. Late renewal.** An application made no more than 90 days past the date of expiration of a license must include a late fee in addition to the renewal fee as set under section 12514-A. An application received more than 90 days past the expiration date is subject to all requirements covering new applicants under this chapter.

[ 2007, c. 402, Pt. AA, §8 (AMD) .]

### SECTION HISTORY

1995, c. 671, §13 (NEW). 2003, c. 666, §6 (AMD). 2007, c. 402, Pt. AA, §8 (AMD).

## Subchapter 3: NATUROPATHIC MEDICINE LICENSING REQUIREMENTS AND SCOPE OF PRACTICE HEADING: PL 1995, C. 671, §13 (NEW)

## §12521. LICENSE REQUIRED; LICENSEE TITLE

**1. License required.** A person may not practice naturopathic medicine or profess to be a naturopathic doctor in this State unless that person holds a current, valid license from the board to practice naturopathic medicine.

[ 1995, c. 671, §13 (NEW) .]

**2. Title.** A licensee must use the title "naturopathic doctor." Naturopathic doctors have the exclusive right to the use of the terms "naturopathic doctor," "naturopathic," "naturopath," "doctor of naturopathic medicine," "doctor of naturopathy," "naturopathic medicine," "naturopathic health care," "naturopathy" and the recognized abbreviation "N.D." Use of the title "physician" by the licensee is prohibited.

[ 1997, c. 210, §13 (AMD) .]

### SECTION HISTORY

1995, c. 671, §13 (NEW). 1997, c. 210, §13 (AMD).

## §12522. SCOPE OF PRACTICE

**1. Medicines and therapies.** A naturopathic doctor may use and order for preventative and therapeutic purposes the following natural medicines and therapies: food, food extracts, vitamins, minerals, enzymes, digestive aids, whole gland thyroid and other natural hormones, plant substances, all homeopathic preparations, immunizations, counseling, hypnotherapy, biofeedback, dietary therapy, naturopathic manipulative therapy, naturopathic physical medicine, therapeutic devices, barrier devices for contraception and office procedures. Naturopathic doctors may also prescribe medications, including natural antibiotics and topical medicines, within the limitations set forth in subsection 4. This subsection may not be construed

to prevent an individual other than a naturopathic doctor from using, ordering or recommending any of the above listed items as long as the individual is not prohibited from doing so by any other federal or state statute or regulation.

[ 1995, c. 671, §13 (NEW) .]

**2. Diagnostic procedures.** A naturopathic doctor may use physical examinations for diagnostic purposes including phlebotomy, clinical laboratory tests, speculum examinations and physiological function tests, excluding all endoscopies and physiological function tests requiring infusion, injection, inhalation or ingestion of medications to perform tests. A naturopathic doctor may order ultrasound, x-ray and electrocardiogram tests but must refer to an appropriate licensed health care professional for conducting and interpreting the tests.

[ 1995, c. 671, §13 (NEW) .]

**3. Other devices and procedures.** A naturopathic doctor may prescribe therapeutic devices or use noninvasive diagnostic procedures commonly used by allopathic or osteopathic physicians in general practice.

[ 1995, c. 671, §13 (NEW) .]

**4. Prescriptive authority.** Naturopathic doctors have a limited scope of prescriptive authority.

A. A naturopathic doctor may prescribe nonprescription medications without limitation. [1995, c. 671, §13 (NEW).]

B. A naturopathic doctor may only prescribe noncontrolled legend drugs from the following categories: homeopathic remedies, vitamins and minerals, hormones, local anesthesia and immunizations that are designated by rule by a subcommittee of the board consisting of the naturopathic members, the pharmacist member and the allopathic or osteopathic physician member, as consistent with a naturopathic doctor's education and training. A naturopathic doctor may not prescribe psychotropic medications. [1995, c. 671, §13 (NEW).]

C. Prior to independently prescribing noncontrolled legend drugs, a naturopathic doctor shall establish and complete a 12-month collaborative relationship with a licensed allopathic or osteopathic physician to review the naturopathic doctor's prescribing practices. The board shall further define the terms of the collaborative relationship by rule. [1995, c. 671, §13 (NEW).]

[ 1995, c. 671, §13 (NEW) .]

**5. Prohibition.** A naturopathic doctor may not:

A. Prescribe, dispense or administer any substance or device identified in Schedule I, II, III, IV or V as described in the federal Controlled Substance Act, 21 United States Code, Sections 801 to 971 (1988), or any controlled substances or devices; [1995, c. 671, §13 (NEW).]

B. Perform surgical procedures except those office procedures authorized by this chapter; [1995, c. 671, §13 (NEW).]

C. Practice emergency medicine except when a good Samaritan rendering gratuitous services in the case of emergency and except for the care of minor injuries; or [1995, c. 671, §13 (NEW).]

D. Practice or claim to practice medicine and surgery, osteopathy, dentistry, podiatry, optometry, chiropractic, physical therapy or any other system or method of treatment not authorized in this chapter. [1995, c. 671, §13 (NEW).]

[ 1995, c. 671, §13 (NEW) .]

#### SECTION HISTORY

1995, c. 671, §13 (NEW).

## §12523. APPLICATION

This chapter is not intended to prohibit or restrict: [1995, c. 671, §13 (NEW).]

**1. Practice within authorized scope of practice.** The practice of a profession by individuals who are licensed, certified or registered under other laws of this State and are performing services within the authorized scope of practice;

[ 1995, c. 671, §13 (NEW) .]

**2. Individual performing duties prescribed by federal laws.** The practice of naturopathic medicine by an individual employed by the Federal Government while the individual is engaged in the performance of duties prescribed by the laws and regulations of the United States;

[ 1995, c. 671, §13 (NEW) .]

**3. Duly licensed elsewhere.** The practice by a naturopathic doctor duly licensed in another state, territory or the District of Columbia when that naturopathic doctor is incidentally called into this State for consultation with a licensed doctor; or

[ 1995, c. 671, §13 (NEW) .]

**4. Students.** The practice of naturopathic medicine by students enrolled in an approved naturopathic medical college. Services must be performed pursuant to a course of instruction or assignments from an instructor and under the supervision of the instructor. The instructor must be a naturopathic doctor licensed pursuant to this chapter.

[ 1995, c. 671, §13 (NEW) .]

### SECTION HISTORY

1995, c. 671, §13 (NEW).

## §12524. PUBLIC HEALTH AUTHORITY AND RESPONSIBILITY

A naturopathic doctor is a licensed doctor and has the same authority and responsibility as other licensed doctors regarding public health laws, reportable disease and conditions, communicable disease control and prevention, recording of vital statistics, health and physical examinations and local boards of health, except that this authority is limited to activity consistent with the scope of practice authorized by this chapter.

[1995, c. 671, §13 (NEW).]

### SECTION HISTORY

1995, c. 671, §13 (NEW).

## §12525. QUALIFICATION FOR LICENSURE

**1. Qualification for licensure.** To be eligible for a license to practice naturopathic medicine, the applicant must:

A. Be a graduate of an approved naturopathic medical college and pass or have passed a competency-based examination approved by the board, covering the appropriate naturopathic subjects, including basic and clinical sciences; [1995, c. 671, §13 (NEW).]

B. [2007, c. 402, Pt. AA, §9 (RP).]

B-1. Be trustworthy and competent; [2007, c. 402, Pt. AA, §9 (NEW).]

C. Be physically and mentally capable of safely practicing naturopathic medicine with or without reasonable accommodation; [1995, c. 671, §13 (NEW).]

D. Have had no license to practice naturopathic medicine refused, revoked or suspended by any other state or country for reasons that relate to the applicant's ability to skillfully and safely practice naturopathic medicine unless that license has been restored to good standing by that state or country; and [1995, c. 671, §13 (NEW).]

E. File an application and pay the licensing fees established under section 12526. [2003, c. 666, §7 (AMD).]

[ 2007, c. 402, Pt. AA, §9 (AMD) .]

## **2. Conditional licensure.**

[ 2007, c. 402, Pt. AA, §9 (RP) .]

**3. Naturopathic acupuncture specialty certification.** In order to practice naturopathic acupuncture, a naturopathic doctor must obtain a naturopathic acupuncture specialty certification from the board. The board may issue this specialty certification to a naturopathic doctor who has:

A. Submitted an application and a certification fee established under section 12526; [2003, c. 666, §8 (AMD).]

B. Completed an acupuncture program approved by the board that includes 1,000 hours of classroom training and 300 hours of supervised clinical training; and [1995, c. 671, §13 (NEW).]

C. Passed an examination administered by the National Commission for the Certification of Acupuncturists and Oriental Medicine, or its successor or other organization approved by the board. [2007, c. 402, Pt. AA, §9 (AMD).]

[ 2007, c. 402, Pt. AA, §9 (AMD) .]

## **4. Disclosures.** Naturopathic doctors shall:

A. Clearly disclose to each patient and on all printed material that their training is in naturopathic medicine; [1995, c. 671, §13 (NEW).]

B. Openly display their license, attaching renewals and specialty certifications when applicable; and [1995, c. 671, §13 (NEW).]

C. When practicing without malpractice insurance, disclose to each patient that they do not have insurance. [1995, c. 671, §13 (NEW).]

[ 1995, c. 671, §13 (NEW) .]

### **SECTION HISTORY**

1995, c. 671, §13 (NEW). 2003, c. 666, §§7,8 (AMD). 2007, c. 402, Pt. AA, §9 (AMD).

## **§12526. FEES, RENEWALS AND CONTINUING EDUCATION**

**1. Fees.** The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any application may not exceed \$200, the fee for initial and renewal licensure may not exceed \$675

annually and the fee for initial and renewal specialty certification may not exceed \$50 annually. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

[ 2003, c. 666, §9 (RPR); 2011, c. 286, Pt. B, §5 (REV) .]

**2. Renewal.** A license to practice naturopathic medicine and a specialty certification must be renewed annually and be accompanied by the required renewal fee established in subsection 1.

[ 2003, c. 666, §10 (AMD) .]

**3. Continuing education.** When renewing a license, a naturopathic doctor must certify to successful completion of continuing education. The minimum continuing education requirement for license renewal is 25 hours annually, at least 7 hours of which must be in pharmacology. Naturopathic doctors who possess a certification in naturopathic acupuncture must complete an additional 15 hours of board-approved continuing education annually, specific to that specialty. The board may further define and implement these continuing education requirements through rulemaking.

[ 2007, c. 402, Pt. AA, §10 (AMD) .]

#### SECTION HISTORY

1995, c. 671, §13 (NEW). 1999, c. 257, §7 (AMD). 2003, c. 666, §§9,10 (AMD). 2007, c. 402, Pt. AA, §10 (AMD). 2011, c. 286, Pt. B, §5 (REV).

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